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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Revision of Part 22 and Part 90 of the)
Commissions Rules to Facilitate)
Future Development of)
Paging Systems)

WT Docket No. 96-18

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Implementation of Section 309(j))
of the Communications Act--)
Competitive Bidding)

PP Docket No. 93-253

REPLY COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The Commission is proposing in this proceeding to convert to geographic licensing all paging channels that are licensed on an exclusive, non-nationwide basis. It is also proposing to adopt competitive bidding rules for mutually exclusive paging applications.¹ In view of these proposed changes it is suspending acceptance of new applications for paging channels on an interim basis. It is seeking comments on whether incumbents should be allowed to file new applications during the pendency of this proceeding.

The National Telephone Cooperative Association ("NTCA") is a national association representing approximately 500 small and rural independent local exchanges carriers ("LECs") providing telecommunications services to interexchange carriers and

¹ Notice of Proposed Rulemaking, ("NPRM") at ¶1.

subscribers throughout rural America. NTCA members provide local exchange service to areas that are the most sparsely populated in the Nation. NTCA is filing this reply to express its agreement with the comments and request for clarification filed by Emery Telephone Company ("Emery") in this proceeding.

In its comments, Emery states that it is unable to determine with certainty whether the Commission intends to apply its interim freeze on paging licenses to the BETRS service which shares frequencies on a co-primary basis with Paging services.² It therefore asks that the Commission clarify that the application freeze adopted in this proceeding does not apply to applications in the Basic Exchange Telecommunications Service. Emery states that a freeze of applications in this service would be harmful to the public and contrary to the Commissions universal service goals.

NTCA agrees that a freeze on the processing of BETRS applications would be harmful to the public interest. A freeze would be inappropriate in view of the Commissions policies with respect to BETRS. When BETRS was established in 1988 it was seen as a "major step by the Commission in the pursuit of [its] goal of extending basic telephone service to as many Americans as possible. . . ." ³ What was true in 1988 is still true today. The service is still important in remote rural areas where climate

² Emery Comments at 2.

³ *Report and Order*, CC Docket No. 86-495, 3 FCC Rcd 214, 219 (1988).

and terrain make wireline service prohibitively expensive. Moreover, there is a strong and unabated demand for additional spectrum to provide the service. Recognizing the need for additional BETRS spectrum, in November 1992, NTCA and others asked the Commission to begin a rulemaking to authorize BETRS on a co-primary status with the Air-Ground Radiotelephone service in the 450 MHz band.⁴ Even though the record in that proceeding indicates that there is a strong and unabated demand for the BETRS service, the Commission has not yet acted on the petition to begin a rulemaking to allocate additional spectrum for BETRS. The record in NTCAs petition demonstrates that it would be particularly inappropriate for the Commission to freeze the processing of BETRS applications at this time.⁵

The Commissions universal service policies also require the continued processing of BETRS applications. Congress has expanded the Commissions universal service mandate to include a specific provision that requires consideration of policies intended to advance universal service on the principle that

⁴ Petition for Rulemaking in RM-8159, In the Matter of Petition to Authorize Co-primary Sharing of the 450 MHz Air-Ground Radiotelephone Service with BETRS.

⁵ The Commission is also currently considering a rule change that would permit commercial mobile radio service ("CMRS") providers to use CMRS frequencies for wireless local loops. The Commissions proposal is partly based on its concern that high cost rural and less attractive areas have available wireless services as alternatives where wireline service is prohibitively expensive. In the Matter of Amendment of the Commissions Rules to Permit Flexible service Offerings in the Commercial Mobile Radio Services, *Notice of Proposed Rulemaking*, WT Docket No. 96-6, (January 25, 1996).

consumers in "rural, insular, and high cost areas, should have access to telecommunications. . . ." ⁶ In view of this mandate Commission reform and streamlining processes should not inhibit but facilitate the continued licensing and deployment of BETRS. It should therefore continue to process and accept BETRS applications.

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⁶ 47 U.S.C. § 254 (b) (3) (1996) .

CERTIFICATE OF SERVICE

I, Rita H. Bolden, certify that a copy of the foregoing Comments of the National Telephone Cooperative Association in WT Docket No. 96-18 and PP Docket No. 93-253 was served on this 11th day of March 1996, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:

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